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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	3:10-CR-00082-LRH-RAM
)	
v.)	
)	<u>ORDER</u>
HORACIO PENALOZA-MOLINA,)	
)	
Defendant.)	
_____)	

Before the court is Defendant Horacio Penaloza-Molina’s motion pursuant to 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence (#27¹). In response, the United States filed a motion to dismiss (#30) and an opposition (#31), and Defendant replied (#32).

I. Procedural History

On June 30, 2010, the grand jury for the District of Nevada returned an indictment charging Defendant with one count of unlawful reentry by a deported alien in violation of 8 U.S.C. § 1326(a). On October 12, 2010, Defendant pled guilty without a plea agreement. On February 7, 2011, this court sentenced Defendant to 57 months imprisonment. Defendant did not appeal. On December 27, 2011, Defendant, acting pro se, filed the instant motion under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence.

¹Refers to the court’s docket entry number.

